

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HAATAJA ET AL. Examiner: M. JIMENEZ  
Serial No.: 10/626,106 Group Art Unit: 3726  
Filed: JULY 23, 2003 Docket: 2316.1196USD1  
Confirmation No.: 8972 Due Date: AUGUST 23, 2007  
Title: METHOD OF ASSEMBLING A CABLE SYSTEM HAVING A TELESOPING TROUGH



CERTIFICATE UNDER 37 CFR 1.8:

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**23552**

PATENT TRADEMARK OFFICE

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S/N 10/626,106

PATENT

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By:

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AMENDED APPEAL BRIEF

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

This Amended Appeal Brief is presented in reply to the non-compliant Notification dated July 23, 2007. Applicants respectfully request reconsideration of the present Amended Appeal Brief.

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### **I. REAL PARTY IN INTEREST**

The real party in interest is ADC Telecommunications, Inc., located in Eden Prairie, Minnesota, the assignee of record.

## **II. RELATED APPEALS AND INTERFERENCES**

None.

### **III. STATUS OF CLAIMS**

Original claims 10-19 are cancelled in light of a Restriction Requirement and Applicant's election of claims 1-9.

Claims 1-9 and 20-29 are currently rejected.

The rejection of each of claim 1-9 and 20-29 is being appealed.

#### **IV. STATUS OF AMENDMENTS**

No amendments subsequent to the Final Office Action of August 8, 2006 have been filed.

## **V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

Independent Claim 1 concerns a method of assembling a cable routing system. The method includes providing first and second U-shaped spaced apart end members (e.g., 16; FIG. 1) and a telescoping U-shaped trough (12). The telescoping U-shaped trough has first and second trough sections (24, 26), each having a terminal end (42, 72) and a receiving end (40, 70); see FIGS. 10 and 13. The receiving ends (40, 70) of the trough sections are in sliding contact with one another (Spec. page 4, lines 26-27). The terminal ends (42, 72) have the same connecting configuration such that the telescoping U-shaped trough is reversible (Spec. page 2, lines 15-17; and page 5, lines 1-4). The method further includes positioning the reversible telescoping U-shaped trough (12, FIG. 1) between the first and second end members (e.g., 16), and connecting the trough sections (24, 26) of the reversible telescoping U-shaped trough (12) to the end members. The first and second trough sections remain freely slideable when one of the trough sections (24, 26) is disconnected from the respective end member (Spec. page 2, lines 14-17; and, page 4, lines 25-27).

Independent Claim 2 concerns a method of assembling a cable routing system. The method includes providing first and second end members (e.g., 16, FIG. 1) spaced apart a fixed distance, and a telescoping cable trough (12) having first and second trough sections (24, 26) in sliding contact with one another (Spec. page 4, lines 26-27). The method also includes positioning the telescoping cable trough (12) between the first and second end members, selectively connecting the first trough section (24) to either one of the first and second end members, and connecting the second trough section (26) to the other end member. The first trough section (24) is connectable to both of either one of the first and second end members (Spec. page 2, lines 15-17; and page 5, lines 1-4). The first and second trough sections (24, 26) remain freely slideable upon disconnecting at least one of the trough sections from the respective end member (Spec. page 2, lines 14-17; and, page 4, lines 25-27).



Independent Claim 20 concerns a method of assembling a cable routing system. The method includes providing first and second cable trough members (e.g., 16; FIG. 1), having ends, and a telescoping trough (12) having first and second trough sections (24, 26) in sliding contact with one another (Spec. page 4, lines 26-27). Sliding movement of the trough sections (24, 26) is limited between a minimum extension position and a maximum extension position to prevent sliding separation of the trough sections (24, 26) (Spec. page 4, lines 14-16; and page 6, lines 7-8 and 25-26). The method also includes positioning the telescoping trough (12) between the ends of the cable trough members, and connecting the trough sections (24, 26) to the ends of the cable trough members. The trough sections (24, 26) remain freely slideable upon disconnecting at least one of the trough sections from the respective end of the trough members (Spec. page 2, lines 14-17; and, page 4, lines 25-27).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Whether claims 1-6, 8, 9, 20-23, and 26-29 are anticipated under 35 U.S.C. 102(b) by Zetena, Jr. (U.S. Patent 5,316,244).
2. Whether claims 7, 24, and 25 are unpatentable under 35 U.S.C. 103(a) over Zetena, Jr. (U.S. Patent 5,316,244) in view of Merckle (U.S. Patent 3,351,699).

## **VII. ARGUMENT**

1. Concerning whether claims 1-6, 8, 9, 20-23, and 26-29 are anticipated under 35 U.S.C. 102(b) by Zetena, Jr. (U.S. Patent 5,316,244).

a. Claims 1-6, 8, 9, 20-23, and 26-29

Independent claims 1, 2, and 20 recite a method of assembling a cable routing system. The methods generally include connecting first and second trough sections of a telescoping trough to first and second end members. The first and second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective first and second end members.

Applicants have submitted herewith an annotated copy of FIG. 19 of Zetena. Referring to annotated FIG. 19, the Examiner has characterized one of the telescope members 15A as a first trough section (highlighted in green), and the other telescope member 15B in combination with a channel member 5 as a second trough member (highlighted in yellow). The Examiner notes that terminal ends of the first and second telescope members 15A, 15B are connected to corner connectors 109, 115.

With this particular characterization, it is respectfully submitted that the first telescope member 15A and the channel member 5 do not remain freely slideable upon disconnecting at least one of the first telescope member 15A and the second telescope member 15B from the corner connectors 109, 115, as required by claims 1, 2 and 20.

In particular, Zetena discloses that installation involves sliding a telescope member 15 over adjacent ends of channel members (e.g. 5), and pressing locking clips 25 over the respective lips of the members 15, 5 once the length is set. The locking clips 25 lock the members 15, 5 in place to prevent any further sliding movement. Column 3, lines 12-28.

With the members "locked in place" by the clips 25, the first telescope member 15A and the channel member 5 do not remain freely slideable upon disconnecting either of the first and second telescope members 15A, 15B from the corner connectors 109, 115. In sharp contrast, when one of the telescope members 15A, 15B is disconnected from the corner connectors 109, 115, the first

telescope member 15A and the channel member 5 remain locked in place by the locking clips 25 and are not freely slideable, as required by claims 1, 2, and 20.

While the Examiner asserts that the clips 25 are not permanent locking clips and can therefore be removed to allow sliding motion between the first telescope member 15A and the channel member 5, the Office Action fails to point out where Zetena discloses that the locking clips 25 are to be removed so that the members remain freely slideable. To establish a proper basis for a rejection under 35 U.S.C. §102, the cited reference must disclose each and every limitation recited in the claim. Zetena simply does not disclose that the members 15A, 5 are to remain freely slideable. It is respectfully submitted that it is impermissible to broaden the disclosure of Zetena, as the Examiner proposes.

Moreover, not only does Zetena fail to disclose members that remain freely slideable, Zetena teaches away from such freely slideable members. That is, Zetena teaches the use of the locking clips 25 to lock the members "in place against further sliding movement changing the length" of the members. Column 3, lines 12-28.

At least for these reasons, Applicants respectfully submit that independent claims 1, 2 and 20, and dependent claims 3-6, 8-9, 21-23, and 26-29 are patentable.

b. Claims 20-23 and 26-29

With regards to claims 20, 28, and 29, it is further recited that sliding movement of the first and second trough sections is limited between a minimum extension position and a maximum extension position to prevent separation.

The Examiner asserts that because the trough members of Zetena are locked in place by locking clips 25, sliding movement of the members (15A, 5) is thereby limited between a minimum and a maximum extension position.

It is respectfully submitted that the Examiner has not given proper consideration to the remaining limitations of the claims, which clarify the feature of limited sliding movement. While it is agreed that the locking clips 25 of Zetena lock the trough members 15A, 5 in place, Zetena does not meet the requirements that the members be in sliding contact and that the sliding movement be limited between a minimum extension position and a maximum extension position to prevent separation. When considered in its proper context, claims 20, 28, and 29 require the sections to

remain freely slideable between two positions. In Zetena, the locking clips 25 prevent sliding movement all together, as opposed to limiting sliding movement between two positions.

At least for these reasons, and the reasons stated above with respect to all independent claims 1, 2, and 20, Applicants respectfully submit that claims 20-23 and 26-29 are patentable.

c. Claims 8, 25, and 27

Claims 8, 25, and 27 each further recite that the method includes sliding the trough sections relative to one another until either a stop or a slot and tab connection stops further sliding movement. The Examiner asserts that the locking clips 25 are also considered "stops." While the clips lock the members 15A, 5 in place, Zetena does not disclose "sliding the [members 15A, 5] until [the locking clip 25] stops further sliding movement," as required by claims 8, 25, and 27. Instead, it is submitted that the members 15A, 5 are in fact held stationary relative to one another while the locking clips 25 are locked in place. Zetena simply does not disclose that the members slide until a stop/connection stops further sliding movement.

At least for this reason, and the reasons stated above with respect to independent claims 2 and 20, Applicants respectfully submit that claims 8, 25, and 27 are patentable.

2. Concerning whether claims 7, 24, and 25 are unpatentable under 35 U.S.C. 103(a) over Zetena, Jr. (U.S. Patent 5,316,244) in view of Merckle (U.S. Patent 3,351,699).

Claim 7 depends upon claim 2. Claims 24 and 25 depend upon claim 20. In view of the remarks regarding independent claims 2 and 20, Applicants submit that dependent claims 7, 24, and 25 are patentable.

In summary, it is earnestly requested that the Examiner's rejections be reversed, and that all of the pending claims be allowed.

Respectfully submitted,

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Date:

Aug. 13, 2007



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## **VIII. CLAIMS APPENDIX**

1. A method of assembling a cable routing system comprising the steps of:
  - providing first and second U-shaped spaced apart end members;
  - providing a telescoping U-shaped trough with first and second trough sections, the first and second trough sections each having a terminal end and a receiving end, the receiving ends of the first and second trough sections being in sliding contact with one another, the terminal ends of the first and second trough sections having the same connecting configuration such that the telescoping U-shaped trough is reversible;
  - positioning the reversible telescoping U-shaped trough between the first and second end members; and
  - connecting the first and second trough sections of the reversible telescoping U-shaped trough to the first and second end members, wherein the first and second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective first and second end members.
  
2. A method of assembling a cable routing system comprising the steps of:
  - providing first and second end members, the end members being spaced apart a fixed distance;
  - providing a telescoping cable trough with first and second trough sections, the first and second trough sections being in sliding contact with one another;
  - positioning the telescoping cable trough between the first and second end members; and
  - selectively connecting the first trough section to either one of the first and second end members, the first trough section being connectable to both of either one of the first and second end members; and
  - connecting the second trough section to the other of the first and second end members;
  - wherein the first and second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective first and second end members.

3. The method of claim 2, wherein the step of selectively connecting the first and second trough sections to the first and second ends members includes connecting the first trough section to the first end member.
4. The method of claim 2, wherein the step of selectively connecting the first and second trough sections to the first and second ends members includes connecting the first trough section to the second end member.
5. The method of claim 2, wherein the step of providing a telescoping cable trough includes providing a telescoping cable trough with first and second slideable trough sections having substantially the same coupling profile for selectively coupling one of the first and second trough sections to either of the first and second end members.
6. The method of claim 2, further including sliding the trough sections relative to one another to fit between the first and second end members.
7. The method of claim 6, further including engaging flanges of the second trough section with slots formed in the first trough section and sliding the trough sections relative to one another.
8. The method of claim 6, further including sliding the trough sections relative to one another until a slot and tab connection of the telescoping cable trough stops further sliding movement.
9. The method of claim 2, further including varying an overall length of the telescoping cable trough during assembly by:
  - a) retracting the telescoping cable trough to position the cable trough between the first and second end members; and



b) expanding the telescoping cable trough to connect the first and second sections to the first and second end members.

20. A method of assembling a cable routing system comprising the steps of:

providing first and second cable trough members, each of the cable trough members having ends;

providing a telescoping trough with first and second trough sections, the first and second trough sections being in sliding contact with one another, sliding movement of the first and second trough sections being limited between a minimum extension position and a maximum extension position to prevent sliding separation of the first and second trough sections;

positioning the telescoping trough between the ends of the first and second cable trough members; and

connecting the first and second trough sections to the ends of the first and second cable trough members, wherein the first and second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective end of the first and second trough members.

21. The method of claim 20, wherein the step of providing the telescoping trough includes providing a U-shaped telescoping trough.

22. The method of claim 20, wherein the step of providing the telescoping trough includes providing a telescoping trough with first and second trough sections having substantially the same coupling profile for selectively coupling one of the first and second trough sections to either of the ends of the first and second cable trough members.

23. The method of claim 20, further including sliding the trough sections relative to one another to fit between the ends of the first and second cable trough members.

24. The method of claim 23, further including engaging flanges of the second trough section with slots formed in the first trough section and sliding the trough sections relative to one another.

25. The method of claim 23, further including sliding the trough sections relative to one another until a slot and tab connection of the telescoping trough stops further sliding movement beyond the maximum extension position.

26. The method of claim 20, further including varying an overall length of the telescoping trough during assembly by:

a) retracting the telescoping trough to position the telescoping trough between the ends of the first and second cable trough members; and

b) expanding the telescoping trough to connect the first and second trough sections to the ends of the first and second cable trough members.

27. The method of claim 23, further including sliding the trough sections relative to one another until a stop located at a terminal end of one of the first and second trough sections stops further sliding movement beyond the minimum extension position.

28. The method of claim 1, wherein the step of providing the telescoping U-shaped trough includes providing the first and second trough sections in sliding contact, sliding movement of the first and second trough sections being limited between a maximum extension position and a minimum extension position to prevent separation of the first and second trough sections.

29. The method of claim 2, wherein the step of providing the telescoping cable trough includes providing the first and second trough sections in sliding contact, sliding movement of the first and second trough sections being limited between a maximum extension position and a minimum extension position to prevent separation of the first and second trough sections.

## **IX. EVIDENCE APPENDIX**

### **1. OFFICE ACTIONS AND AMENDMENTS/RESPONSES**

- a. Final Office Action -- mailed August 8, 2006

### **2. REFERENCES RELIED UPON BY THE EXAMINER**

- a. U.S. Patent No. 5,316,244 issued to Zetena, Jr.
- b. U.S. Patent No. 3,351,699 issued to Merckle

### **3. ANNOTATED FIG. 19 OF ZETENA, JR.**

The above items are attached and labeled accordingly as Exhibits.

## **X. RELATED PROCEEDINGS APPENDIX**

None.